

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION  
IN ADMIRALTY

ANNA TRUITT PRESSLY,	)	CASE NO: 2:10-CV-2204-CWH
	)	
Plaintiff,	)	
	)	
vs.	)	COMPLAINT
	)	(Maritime Tort)
KEVIN ALLEN KABERNA, <i>in personam</i> ,	)	
and a 28.5-FOOT SEA RAY M/V,	)	
REGISTRATION NO. SC6152BZ,	)	
HER ELECTRONICS, ENGINES,	)	
TRAILER, APPURTENANCES,	)	
APPAREL, ETC., <i>in rem</i> ,	)	
	)	
Defendants.	)	Non-Jury Trial Requested
_____	)	

NOW COMES the Plaintiff, above named, complaining of the Defendants, above named, and would allege and show unto this Honorable Court as follows:

1. That the Plaintiff, Anna Truitt Pressly, is a citizen and resident of the County of Charleston, State of South Carolina.
  
2. That the Defendant, Kevin Allen Laberna, is, upon information and belief, a citizen and resident State of South Carolina. That, upon information and belief, at all times pertinent hereto, Defendant Kaberna was the owner of the vessel involved herein.
  
3. That the Defendant pleasure vessel is, upon information and belief, a 28.5-foot Sea Ray motorboat, registration no. SC6152BZ, her engines, trailer, appurtenances, tackle, apparel, etc., which is owned by the Defendant, Kevin Allen Kaberna, and is presently located within this District of this Honorable Court.

4. That this is a case of admiralty and maritime jurisdiction as hereinafter more fully appears, and is an admiralty and maritime claim within the meaning of Rule 9(h) of the F.R.C.P.

5. That this Honorable Court has jurisdiction over the parties and the subject matter herein set forth pursuant to the provisions of the Judiciary Act of 1789 and the General Maritime Law of the United States.

6. That on or about the 31st day of July, 2010, in the Charleston Harbor in Charleston County, South Carolina, the Plaintiff was a guest aboard the pleasure boat owned and operated by the Defendant Kaberna. That at approximately 1830 hours, the Plaintiff and several other passengers had disembarked the vessel and were in the water behind it. That, suddenly and without warning, Defendant Kaberna started operating the boat in reverse and ran the vessel's propeller into the Plaintiff.

7. That as a direct and proximate result of the negligence and carelessness of the Defendants, the Plaintiff suffered serious bodily and personal injuries, all of which has and may in the future cause her to have to spend great sums for medical care and treatment, has and may in the future cause her to lose money in the nature of wages, earnings, profits, employment fringe benefits, and earning capacity, has and may in the future cause her to suffer great pain, inconvenience, disfigurement, loss of enjoyment of life, mental anguish, annoyance, whole body impairment, trauma, and costs of travel incidental to medical care -- all to her general damage and detriment.

8. That the Plaintiff's injuries were inflicted without any contributing fault or negligence on the part of the Plaintiff, and solely by the unsafe, unseaworthy condition of the vessel, and the fault and negligence of the Defendants, joint and severally, in one or more of the

following particulars:

- a. In failing to keep the vessel under proper control;
- b. In carelessly operating, or allowing to be operated, the vessel;
- c. In failing to use reasonable care to protect his passengers and guests;
- d. In failing to maintain the vessel in a proper, safe, and seaworthy condition;
- e. In violating the rules of the waterway;
- f. In violating Rule 5 of the Inland Rules of Navigation by failing to keep  
a proper lookout;
- g. In violating Rule 6 of the Inland Rules of Navigation by failing to operate  
the vessel at a safe speed;
- h. In operating a vessel while under the sway and influence of alcohol and/or  
other mind-altering substances in violation of S.C. Code Ann. §50-21-112(A);
- i. In failing to properly navigate the vessel at all times;
- j. In operating a vessel in a negligent manner so as to endanger the life, limb,  
or property of any person in violation of S.C. Code Ann. §50-21-110;
- k. In failing to read and/or follow vessel manuals concerning the operation,  
navigation, and safety procedures for said vessel;
- l. In failing to comply with S.C. Code Ann. §50-21-130 by fleeing the  
Defendant vessel and hiding in the play tunnel of a child's swingset during the investigation of  
the incident;
- m. In other aspects to be proved at trial; and
- n. In failing to use the degree of care and caution that a reasonable and

prudent person would have used under the circumstances then and there prevailing--all of which were the direct and proximate cause of the injuries and damages suffered by the Plaintiff herein.

9. That as a result of the aforesaid actions and/or inactions of the Defendants, the Plaintiff is informed and believes that she is entitled to an award of actual damages to be determined by this Court, along with punitive damages, prejudgment interest, and the costs of this action.

WHEREFORE, the Plaintiff prays unto this Honorable Court for judgment to be entered against the Defendants joint and severally, that she be awarded actual damages in an appropriate amount, prejudgment interest as allowed by the General Maritime Law of the United States, the costs of this action, and such other and further relief as this Court might deem just and proper.

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